

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 25, 1998

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Dunn, J. (Assigned), and S. Beaux, Deputy Clerk.

Each of the following:

B109302 People v. Patridge et al.
B111788 People v. Ochoa
B113066 People v. Haney
B113287 Bischoff v. Butler
B115234 People v. Duncan
B115840 People v. Esquero
B115845 People v. Reynolds
B122480 In re Reynolds on H.C.
B115944 People v. Cleveland
B116623 People v. Barcena
B116652 People v. Longworth
B117116 People v. Lambertson
B117353 People v. McDonald
B117463 People v. Gregory
B117948 People v. Cruz
B118483 People v. Alvarado
B118507 People v. Sposato
B118889 People v. Castro
B119133 Stokes v. LA Co Museum etc.

Argument waived, cause submitted.

DIVISION ONE (Continued)

B121379 Straight
 v.
 S.C.L.A.
 (Logical Computer Services, Inc., r.p.i.)

Merits:
Argued by Gary R. Carlin for petitioner and no appearance for real party in interest. Cause submitted.

B114876 Stucky
 v.
 Stucky

Merits:
Argued by Marco L. Stucky, in pro per, for appellant and no appearance for respondent. Cause submitted.

B117413 The People
 v.
 Selvin L.

Merits:
Argued by Jerald W. Newton for appellant and by G. Tracey Letteau for respondent. Cause submitted.

B118115 The People
 v.
 Brown

Merits:
Argued by Joseph N. Sorrentino, Deputy District Attorney, for appellant and by Felicia K. Grant for respondent. Cause submitted.

DIVISION ONE (Continued)

B114406 The People
 v.
 Cortez et al.

Appearances:

Ana R. Duarte, Deputy Attorney General, for respondent and no appearance for appellants. Argument waived, cause submitted.

B117292 C.I.R. Plumbing, Inc.
 v.
 P. E. O'Hair & Co.

Merits:

Argued by Joseph G. McCarty for appellant and by Jody Steinberg for respondent. Cause submitted.

B112228 The People
 v.
 Barillas

Merits:

Argued by Carlo Andreani for appellant and by Bob Snider, Deputy Attorney General, for respondent. Cause submitted.

B112811 Jacobson
 v.
 Selvin, Wiener & Ruben et al.

Merits:

Argued by Michael R. Brown for appellant and by Robert A. Schwartz for respondents. Cause submitted.

DIVISION ONE (Continued)

August 25, 1998-Continued

B121326 Southland Corporation

v.

S.C.L.A.

(Gaines et al., r.p.i.)

Merits:

Argued by Michael M. Bergfeld for petitioner and by Federico C. Sayre for real parties in interests. Cause submitted.

B110053 The People

v.

Snyder et al.

Merits:

Argued by Mark J. Geragos for appellant and by Marc J. Nolan, Deputy Attorney General, for respondent. Cause submitted.

B120497 Allstate Insurance Company

v.

S.C.L.A.

(Jacobs, r.p.i.)

Merits:

Argued by Christopher Lockwood for petitioner and by Michael J. Hemming for real party in interest. Cause submitted.

B107662 Sheriff's Department of The County of Los Angeles

v.

Civil Service Commission of Los Angeles

(Ponder, r.p.i.)

Merits:

Argued by Cecil W. Marr for appellant and by Richard A. Shinee for respondent. Cause submitted.

DIVISION ONE (Continued)

J. Dunn leaves the bench.

August 25, 1998-Continued

B117186 Estrada
v.
Levy

Appearances:
Argued by Mark N. Maizel for respondent and by no appearance for respondent. Argument waived, cause submitted.

B119537 Pehrsson
v.
Bank of America

Merits:
Argued by Burton V. McCullough for appellant and by Robert M. Rudnicki for respondents. Cause submitted.

B112602 Stabler et al.
v.
Keel et al.

Merits:
Argued by Armando M. Galvan for appellants and by Cheryl A. Orr for respondent. Cause submitted.

Court adjourned.

DIVISION TWO

B120303 Patricia Ann J.,
v.
Superior Court, Los Angeles County

(Not for Publication)

August 25, 1998-Continued

(L.A. County Department of Children & Family Services, r.p.i.)

The petition for writ of mandate is granted. The juvenile court is directed to set aside its order of March 10, 1998, directing the DCFS to provide permanent placement services for the minor, and setting a section 366.26 selection and implementation hearing. The court is further directed to set the matter for a contested hearing. The order to show cause is dismissed.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

B114229 People (Not for Publication)
v.
Gilpin

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B110981 People (Not for Publication)
v.
Jackson

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION TWO (Continued)

B117248 People (Not for Publication)
v.
Alvarez

The Court:

August 25, 1998-Continued

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

B114527 Countrywide Home Loans, Inc., (Not for Publication)
 v.
 Foothill Village Homeowners Association

The judgment is reversed, with directions to enter judgment for plaintiff.
Plaintiff shall recover its costs.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

B111591 People
 v.
 McFadden

Filed order denying petition for rehearing.

B117148 Lynn Guzey
 v.
 Law Offices of Howard A. Kapp

Filed order denying petition for rehearing.

DIVISION FOUR

B112636 People (Not for Publication)
 v.
 Williams

The Court:

The judgment is affirmed.

August 25, 1998-Continued

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B114371 People (Not for Publication)
v.
Moore

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B102499/ Gow-Nan Ling et al. (Not for Publication)
B109714 v.
Chen

The order issuing the injunction is affirmed. The order granting summary adjudication of the cause of action for intentional infliction of emotional distress is reversed and remanded to the trial court. The remainder of the summary judgment order is affirmed. Each side is to bear its own costs on appeal.

Cooper (F.M.), J. (Assigned)

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B111974 C.W. Swift & Associates (Not for Publication)
v.
M/A-Com, Inc. and Penstock, Inc.

The judgments are affirmed and sanctions of \$10,000 are ordered payable by counsel for Swift to each respondent. Costs are also awarded to respondents.

Hastings, J.

We concur: Epstein, Acting P.J.
Cooper (F.M.), J. (Assigned)

DIVISION FIVE

B116395 Progressive Campaigns, Inc. (Not for Publication)
v.
Home Depot U.S.A., Inc., et al.,

The fee order is reversed and the matter is remanded to the trial court to consider respondent's motion for private attorney general fees under the principles discussed in this opinion. Parties to bear their own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
Armstrong, J.

August 25, 1998-Continued

DIVISION FIVE (Continued)

B107909 County of Los Angeles (Not for Publication)
v.
National Automobile & Casualty Insurance Company

The judgment is reversed. Appellant to recover its costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B110867 Liberty Savings Bank, F.S.B (Not for Publication)
v.
William Gottsegen, et al.

The judgment is affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B114487 People (Not for Publication)
v.
Dean Junior Heath

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

DIVISION SIX

August 25, 1998-Continued

[illegible]

The judgment is reversed concerning possession of cocaine , but otherwise affirmed.

Gilbert, Acting P.J.

We concur: Yegan , J.
Coffee, J.

DIVISION SEVEN

B111374 People (Not for Publication)
v.
Thomas

The judgment of conviction of second degree murder (ct.I) is reversed and the cause remanded to the superior court with directions to enter a judgment of guilty of voluntary manslaughter if the prosecutor consents to forego prosecution of defendant for second degree murder, and to resentence defendant accordingly; or, in the alternative, to set the cause for retrial if the prosecutor does not so consent. In all others respects the judgment is affirmed.

Lillie, P.J.

I concur: Johnson, J.
I concur and dissent: Woods, J.(Opinion)

DIVISION SEVEN (Continued)

B103965 Ames (Not for Publication)

v.
Graham, Sr., et al.

The judgment of the trial court is affirmed. Respondents to recover costs on appeal.

Woods, J.

I concur: Lillie, P.J.
I dissent: Johnson, J.(Opinion)

B101012 People (Not for Publication)

v.
Manning

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.